Ministry of
Attorney General

2010/11
Annual Service Plan Report

For more information on how to contact the British Columbia
Ministry of Attorney General,
see Ministry Contact Information on Page 26 or contact:

Ministry of Attorney General
PO BOX 9206
STN PROV GOVT
VICTORIA BC
V8W 9N3

or visit our website at
www.gov.bc.ca/ag/

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Message from the Minister and Accountability Statement

It is with pleasure that I introduce the Ministry of Attorney General *2010 11 Annual Service Plan Report*.

This plan reflects the current work of the ministry, our achievements of the past year and the strategies to build on those achievements. The justice system is a vital component of a democratic society and a foundation of a just and prosperous province. The Ministry of Attorney General plays a key role in strengthening this foundation.

The ministry continues to implement a number of projects to increase the accessibility and responsiveness of the justice system and ultimately to enhance public confidence in the system. Projects underway include the Vancouver Downtown Community Court, and Prolific Offender Management Project. The aim of these projects is to reduce the criminal behaviour of offenders through either incarceration or treatment for the underlying issues driving criminal behaviour.

The ministry continues to support British Columbia's fight against gang and gun violence. A specialized team of senior Crown counsel continue to work with police and other investigative agencies on major gang cases, focusing on providing legal guidance at critical stages of investigations to ensure cases can be prosecuted as successfully as possible.

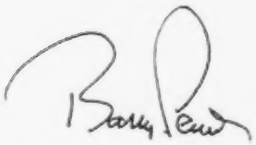
Our Nanaimo Justice Access Centre continues to bring early solutions to those with civil and family justice issues, and our Vancouver Justice Access Centre opened in July of 2010. The new Supreme Court civil and family rules came into effect July 1, 2010. These new rules support access to justice by reducing the time, cost and complexity of litigation.

In order to make the justice system more open and understandable to British Columbians, I am pleased to announce that earlier this year we launched the JusticeBC website. This website, which is a joint project with the Ministry of Public Safety and Solicitor General and Ministry of Children and Family Development, provides criminal justice system information, as well as links to other resources and services.

The ultimate goal of the ministry's work is to make British Columbia's justice system accessible, affordable, fair and responsive.

These, and many other accomplishments, are a testament to the dedication and professionalism of those working in the ministry.

The Ministry of Attorney General *2010 11 Annual Service Plan Report* compares the actual results to the expected results identified in the ministry's *2010 11 - 2012 13 Service Plan*. I am accountable for those results as reported.



Barry Penner, Q.C.
Attorney General

June 20, 2011

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Highlights of the Year

Highlights of the Ministry of Attorney General's achievements in 2010/11 include:

Combating Gangs and Guns – The ministry has achieved considerable success working with the federal government and provincial and territorial partners on organized crime and gang issues. New offences that are in force or soon to be coming into force will:

- address auto theft and trafficking in property obtained by crime,
- address the illicit production and trafficking of synthetic drugs, and
- include tougher sentencing for the trafficking of persons under the age of eighteen.

The ministry has also been successful in working with federal, provincial and territorial partners to introduce legislation that will:

- improve access to investigative tools and electronic surveillance techniques for serious crimes;
- equip law enforcement agencies with new investigative tools to address organized crime and terrorism activities online;
- improve support from telecommunication facilities for criminal investigations;
- improve criminal trials by strengthening case management, reducing duplication of processes, and enhancing criminal procedure;
- require mandatory reporting of child pornography; and
- enhance investigation of sexual crimes, and allow police to use the national database to proactively prevent such crimes.

In addition, the ministry continues to work with the federal government to address issues such as encryption, illegal use of cell phones by organized crime, firearm smuggling into Canada, synthetic drugs and justice efficiencies.

Prosecution Services – New prosecutor positions created last year continue to advise police investigating organized and gang crimes. The prosecution service received 74,706 reports to Crown counsel from investigative agencies in 2010/11, and completed 56 per cent of charge assessments within the first day after receiving the report and 93 per cent within 30 days.

The prosecution service also contributed to greater public understanding of the justice system by:

- providing a Communications Crown counsel to give information about prosecutions to the media and the public;
- maintaining an internet site containing information about the prosecution process, and the role of Crown counsel and special prosecutors;
- contributing to the new public criminal justice portal, JusticeBC; and
- teaching at schools, colleges and universities, speaking to community groups, and participating in province-wide Law Week events.

Domestic Violence Action Plan – This plan, launched by the Province in January 2010, resulted in strengthened partnerships across the justice system and additional advanced risk assessment training for police and prosecutors. This involved the development of an integrated, cross-agency domestic Violence Against Women in Relationship (VAWIR) protocol. This protocol identifies policy best practices and commitments which are being adopted in justice partner operations. A new secretariat has been established with the purpose of overseeing implementation of the High Risk Response protocol of VAWIR.

Alternative Measures Pilot Initiative – The Criminal Justice Branch implemented a new Alternative Measures policy in October 2010, to guide Crown prosecutors in their principled exercise of discretion on when to use alternative measures, and for the most effective use of criminal justice resources. Central to the new policy is protecting the public, having the accused person accept responsibility for his or her actions and achieving with alternative measures the most important objectives of the traditional court system. In the last year, the Branch also partnered with the Corrections Branch in a pilot project in which Corrections staff perform a risk assessment of accused persons for use by Crown counsel in considering candidates for alternative measures.

Downtown Community Court – Downtown Community Court has been serving Vancouver's downtown since the fall of 2008. This innovative court takes a problem-solving approach to crime by holding offenders accountable while helping them get timely access to social and health services. The court has connected offenders to services in the community, including shelter and other housing, income assistance, health and other social services. The court's integrated approach also allows for better information about offenders' history and circumstances to be presented in court; it is hoped this will allow court cases to proceed more quickly and result in sentences to help manage offenders effectively. The court has been building relationships with the business community, residents and service providers. Ultimately, the goal is to reduce recidivism and improve public safety. Evaluation of the court is currently underway. The final evaluation is planned for 2012 when the court will have operated long enough to demonstrate reliable results.

Justice Access Centres – Justice Access Centres (JACs) are testing an integrated approach to helping clients reach early and affordable solutions to their family and civil justice problems. The JACs provide core services such as early information and needs assessment, dispute resolution, limited legal advice and linking clients to appropriate services. A pilot JAC has been running successfully in Nanaimo since November 2008. Evaluations are positive indicating that the integrated approach is helpful, problems are being resolved, and the services offered are highly satisfactory and are reaching individuals who are typically underserved in the justice system. A second Justice Access Centre began operating in Vancouver at Robson Square in July 2010.

Family Maintenance Enforcement – Following a record year for payments in 2009/10, the recovery of support payments through the Family Maintenance Enforcement Program for 2010/11 increased by more than $5 million to over $178 million. This is another positive reflection on parents who paid support for their children, and on the staff of the Family Maintenance Enforcement Program and their service partner agencies.

The Justice System in British Columbia

The ***Criminal Justice System*** works to stop crime from happening and address it quickly when it does occur; it brings offenders to justice with resolutions focused on reducing and addressing the causes of crime. The major components of the criminal justice system are: police, prosecution, defense counsel, legal aid, courts, judiciary and corrections.

Both the ***Civil and Family Justice Systems*** touch people in the province and help private parties solve legal problems and disputes. This may involve going to court or making use of other dispute resolution processes such as mediation.

The ***Civil Justice System*** handles issues such as negligence or personal injury, small claims, commercial and corporate disputes, and enforcement of rights.

The ***Family Justice System*** handles issues such as divorce and matters affecting children.

Through the ***Administrative Justice System***, British Columbia's administrative tribunals help resolve disputes between private parties and also between individuals and government. They may decide matters ranging from individual liberty to property values. They regulate complex economic activities and resolve disputes about public affairs such as the environment and public safety.

New JusticeBC Portal Launched – On January 20, 2011, the JusticeBC portal was launched. This website, which is a joint project with the Ministry of Public Safety and Solicitor General and the Ministry of Children and Family Development, provides criminal justice system information, as well as links to other resources and services. JusticeBC brings into one portal more than 300 pages of information about the criminal justice system, as well as links to other resources and services, and has been designed to help people find what they need as quickly and easily as possible.

Service Integration Projects – To improve service delivery, and in partnership with ServiceBC, this year we completed service integration projects at Golden, Mackenzie and Valemount. These projects have improved in-person service delivery at the community level, and enable citizens to do all their government business at one place, accessing services such as income assistance, medical services plan registration, court payments and court registry services.

Courts Specific Highlights:

New Supreme Court Civil and Family Rules – New Supreme Court civil and family rules came into effect July 1, 2010. The rules represent a great deal of work by ministry staff in collaboration with the Judiciary and the legal profession. These new rules support access to justice by reducing the time, cost and complexity of litigation.

New Supreme Court Document Filing Standards – The British Columbia Supreme Court and Court Services Branch worked together to develop a set of minimum standards which identify the basic information required for a document to be accepted for filing. The standards, which came into effect July 1, 2010, ensure a consistent approach across all court registries in the filing of Supreme Court documents.

New Supreme Court and Provincial Court Records Access Policies – On February 28, 2011, the British Columbia Supreme and Provincial Courts issued new records access policies. The policies focus on openness, accessibility and individual accountability in the handling of the court record and provide clarification for registry staff on court record access.

Provision of Threat Assessment Services – Court Services Branch's Integrated Threat Assessment Unit now offers behavioural threat assessment services to all provincial government ministries, agencies and Crown corporations. In 2010, the unit investigated, assessed and managed 56 government files involving varying levels of risk.

Court Services Online Enhancements – Improvements to Court Services Online over the past year have expanded the online court services available to the public and the legal profession. Enhancements include access to Supreme Court family files for authorized individuals with eFiling for rush/urgent files and the introduction of an automated refund function.

eResponse – Following a pilot in winter 2010, provincial implementation of eResponse, a web-based system that gives potential jurors the option of responding to summons electronically for both civil and criminal trials, is complete. Citizens can now use the Internet to verify if they can participate in the jury selection, saving them both time and effort. The option to respond by mail remains available.

eCourt – British Columbia continues to lead in the automation of courts processes in order to improve service delivery and access for British Columbians. The eCourt project will ultimately result in the implementation of a fully electronic court file which allows court file information to be processed from anywhere in the province. Citizens will be able to file an online application to the courts or check the status of their file at any time. New services available as part of the

eCourt project include civil eFiling and the electronic distribution of post court criminal documents. By eliminating the need to print paper files, the processing times of court documents will be reduced, thereby increasing the speed at which justice can be delivered to British Columbians. The eCourt project will enable citizens to choose the means by which they interact with the court, whether in-person, by mail, telephone or the Internet.

Purpose of Ministry

The Attorney General is the law officer for the Crown in British Columbia and has a legal duty to see that public affairs are administered in accordance with the law. The ministry works closely with the Ministry of Public Safety and Solicitor General in the planning and delivery of services within the justice system.

The ministry is responsible for legal services in two separate and distinct areas: the independent prosecution of criminal matters and the provision of legal services to government.

Prosecutions are conducted by Crown counsel who, following an investigation by police or other investigative agencies, independently consider whether there is substantial likelihood of a conviction based on the available evidence, and whether the public interest requires a prosecution.

The ministry provides civil legal services to Cabinet, ministries and certain public agencies to assist them in fulfilling their business objectives in accordance with the rule of law.

The ministry provides and funds justice services that enable disputes to be settled out of court. In consultation with the Legal Services Society, we manage the provincial funding of legal aid. The Family Maintenance Enforcement Program assists in the collection of child and spousal maintenance from spouses who have not honoured their support payment obligations.

The ministry leads criminal, civil, family and administrative justice reform to promote timely and better solutions to legal problems, making the justice system more effective. Our responsibilities also include the province's human rights system and policy support for government's democratic reform priorities.

The ministry also provides court services, such as registry services and security, to British Columbia courts: the British Columbia Court of Appeal (in four locations), the British Columbia Supreme Court (in 26 locations) and the Provincial Court of British Columbia (in 89 locations). Ninety-eight per cent of British Columbians live within one hour of travel time to a court.

Strategic Context

The justice system is a vital component of a democratic society and the foundation of a just and prosperous province.

Significant external factors influence the ministry's operations and its ability to attain its goals. The ministry is only one of many participants in the justice system and does not, and should not, have full control or authority. Other participants, such as the judiciary and the Bar, must act and make decisions independently and free from interference. The result of this independence is that many of the demands on the justice system are outside of the ministry's control, and it is within this context that the ministry works to attain its goals.

The Changing Nature of Crime

Organized crime now crosses community, provincial and national boundaries. The justice system is seeing organized crime expand into all forms of criminal activity, including illicit drug production and trafficking, identity theft, payment card fraud, money laundering, cybercrime and firearms smuggling. Organized crime undermines legitimate economies and market integrity which directly and indirectly affects all British Columbians. With over 130 identifiable organized crime groups in British Columbia, the scope and magnitude of organized crime is significant.

Rule of Law

The rule of law is a fundamental principle in a free and democratic society. It means that only laws properly made or created can affect or limit our freedom. No person is above the law, and we are all protected by the law and its process.

Cost, Delay and Complexity

Cost, delay and complexity continue to impact the functioning of the civil, family and criminal justice system. Technology has also substantially increased the availability and number of records in civil and criminal matters.

The volume of small claims cases in Provincial Court has increased by 13.7 per cent over the last five years to over 19,000 new cases opened in 2010/11. The median age of a small claims case at its first substantive appearance has increased by 35 per cent from 150 days in 2008/09 to 203 days in 2010/11. The median age of a small claims case at trial stage has also grown to 400 days from 320 in 2008/09. These trends suggest that a more ambitious approach to Small Claims Court reform is necessary.

The time required to schedule both civil and criminal matters in Provincial Court has increased. Province-wide, the Provincial Court has reported substantial delays to obtain civil and criminal appearances.

Criminal trials have also steadily become more expensive, lengthy and complicated, and the total number of Provincial and Supreme Criminal Court cases (including adult, youth and traffic) coming into the system has risen by 7 per cent over the last five years.

Although declining from its peak in the early 1990's, British Columbia still has one of the higher crime rates in Canada. In 2008, the crime rate was 95.8 *Criminal Code* offences per 1,000 people, a decrease of eight per cent from 2007, and the lowest it has been in three decades.[1] Despite the decrease in the crime rate, case complexity continues to increase. Organized crime, gangs and white collar prosecutions are also increasing; additionally, police are focusing their efforts on more serious cases such as murder, assault and weapons offences.

Large criminal trials that consume a disproportionate amount of justice system resources are becoming more common. This is partially due to the presence of organized crime in British Columbia. Organized crime prosecutions are very resource-intensive, and the number of large trials is expected to continue to increase.

Trial procedures are becoming more complicated as a result of the *Canadian Charter of Rights and Freedoms*, changes in the law of evidence and the implementation of amendments to the *Criminal Code* of Canada and other criminal legislation. All of these changes have occurred in the past 30 years. Further, technology has greatly expanded the complexity of the information available (e.g. expert DNA evidence) and increased the volume of materials to be considered in many criminal prosecutions.

Social, Demographic and Economic Trends

British Columbia's population is projected to continue to increase, with the majority of the growth coming from international migration (75 per cent) and interprovincial migration (25 per cent)[2]. Immigrants to British Columbia will increasingly come from China and South Asia.[3] When involved with the justice system, immigrants frequently require language services and may be unfamiliar with the system's structure and principles.

British Columbia's divorce rate is projected to remain at approximately 40 per cent, resulting in 10,000 divorces per year; and, combined with separations amongst cohabiting adults, over 37,000 applications will be submitted to family courts per year for custody, access, guardianship and maintenance.

Aboriginal people in British Columbia continue to be significantly over-represented in all aspects of the criminal justice system as both offenders and victims. A high youth population and difficult social conditions in Aboriginal communities contribute to this situation.

British Columbia's real GDP increased by 4.0 per cent in 2010, following a decline of 1.8 per cent in 2009. Indicators of economic performance in 2010 show that British Columbia's

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[1] Statistics Canada. Uniform Crime Reporting Survey, 2008.
[2] BCStats. British Columbia Population Projections. July 2008.
[3] Ibid.

economy is recovering from the period of severe weakness it experienced in late 2008 and early 2009. Improvements in the domestic economy were observed in employment, consumer spending and housing, while external gains were made in exports and shipments of manufactured goods. However, several risks to British Columbia's economy remain, including ongoing weakness in the US, the European sovereign debt crisis, continued strength in the Canadian dollar, and geopolitical uncertainty and its impact on global commodity markets.

The fiscal environment continues to create increased demands on the justice system. This demand, along with anticipated fiscal restraint in future fiscal years, has resulted in significant pressure on the justice system. To begin to deal with some of this pressure, the ministry is exploring more effective ways to provide individuals with access to justice solutions.

The ministry is also facing further retirements, potential new staff and supervisors, and integration of diversity in its programs. This, together with an ambitious transformation agenda, translates into high needs for strong workforce and succession planning, learning and knowledge sharing strategies, and change management work.

Legal Services

Litigation matters involving government continue to increase in complexity and cost; examples include tobacco litigation, Charter damages, the polygamy reference, aboriginal litigation and consultation. These cases frequently involve significant numbers of highly sensitive documents, including electronic records.

The need for legal advice for government's strategic and policy priorities is ongoing; however, client and ministry budget restrictions make it more difficult for appropriate legal services to be provided within current appropriations.

Climate Change Adaptation Strategy

The Ministry of Attorney General is supporting and committed to the implementation of the provincial climate change adaptation strategy, which calls on government agencies to consider climate change and its impacts, where relevant, in planning, projects, policies, legislation, regulations and approvals, by assessing business risks and opportunities related to climate change. Adaptation is a vital part of government's climate change plan. It means taking action now to prepare for a changing climate and its impacts on ecosystems, resources, businesses and communities.

Report on Performance

Performance Plan Summary Table

Goal 1: Justice Solutions are Accessible For greater detail see pages 17 to 19	2010/11 Target	2010/11 Actual
Objectives: 1.1 Affordable options, such as mediation and self-help, are available to justice system users as an alternative to the court.		
1.2 Justice services provided are proportionate to the value, importance and complexity of the matter.		
1.3 Justice services are timely, relevant and innovative.		
1.4 Legal services to government are efficient, respond to the level of risk and are sustainable for ministries. Legal services are provided through a variety of means optimizing use of technological opportunities.		
Measures: Percentage of British Columbians who have a great deal or quite a lot of confidence in the justice system.	DATA AVAILABLE IN 2013	DATA AVAILABLE IN 2013
Median time to conclude provincial criminal cases.	78 days	79 days SUBSTANTIALLY ACHIEVED
Percentage of government ministry clients satisfied with quality, timeliness and consistency of services.	NO SURVEY PLANNED	DATA AVAILABLE IN 2011/12
Goal 2: Simplified Court Procedures For greater detail see pages 19 to 21	**2010/11 Target**	**2010/11 Actual**
Objectives: 2.1 Simplified court procedures are understandable and affordable.		
2.2 Court processes are timely and efficient.		
Measures: Median time to settlement conference for Small Claims cases in Provincial Court.	170 days	203 days NOT ACHIEVED
Median time to trial for civil Small Claims cases in Provincial Court.	319 days	400 days NOT ACHIEVED
Median time for family cases to reach first order.	95 days	98 days NOT ACHIEVED
Average number of appearances per concluded case – Provincial Criminal (Adult and Youth).	5.9	5.9 ACHIEVED

Goal 3: Improve and Enhance Justice System Performance and Accountability For greater detail see page 22	2010/11 Target	2010/11 Actual
Objectives:		
3.1 Increase the availability and use of electronic information and documents throughout the justice process.		
3.2 Court documents are processed electronically to increase timeliness and efficiency.		
Goal 4: Combat Guns and Gangs For greater detail see pages 22 to 23	**2010/11 Target**	**2010/11 Actual**
Objectives:		
4.1 Work effectively with justice partners to bring offenders to justice.		
4.2 Maintain principled, efficient processes for charge assessments, prosecutions and appeals.		
4.3 Advocate for changes to federal legislation that will assist British Columbia's police and Crown Counsel in the fight against organized crime.		
Measures:		
Percentage of British Columbians 15 years and older who perceive that the criminal courts do a good job of:		DATA AVAILABLE IN 2011
- Providing justice quickly	12%	
- Helping the victim	14%	
- Determining whether or not the accused is guilty	23%	
- Ensuring a fair trial for the accused	44%	

Goals, Objectives, Strategies and Performance Results

Goal 1: Justice Solutions are Accessible

Objectives:

1.1 Affordable options, such as mediation and self-help, are available to justice system users as an alternative to the court.

1.2 Justice services provided are proportionate to the value, importance and complexity of the matter.

1.3 Justice services are timely, relevant and innovative.

1.4 Legal services to government are efficient, respond to the level of risk and are sustainable for ministries. Legal services are provided through a variety of means optimizing use of technological opportunities.

Strategies

The ministry's strategies to advance these objectives were:

Justice Access Centres – Front-end, accessible justice information and service 'hubs' provide people with assessment, information, advice, referral and other services, including dispute resolution and legal advice to help solve their family and civil justice problems. The ministry is supporting Justice Access Centres to promote greater access to justice solutions.

Child Protection Mediation – Building upon the success of the current child protection mediation program, the ministry, in co-operation with the Ministry of Children and Family Development, plans to continue to expand child protection mediation into Aboriginal communities and increase the number of qualified Aboriginal mediators on the Child Protection Mediation Roster.

Community Court –The ministry is continuing to operate the Vancouver Downtown Community Court, bringing together prosecution, defense, corrections, victim services, health, housing and social service agencies to help offenders break the cycle of crime while holding them accountable in a timely manner. Lessons learned from the community court model will be identified to develop best practices.

Alternative Measures Pilot Initiative – The Criminal Justice Branch implemented a new Alternative Measures policy in October 2010, to guide Crown prosecutors in their principled exercise of discretion on when to use alternative measures, and for the most effective use of criminal justice resources. Central to the new policy is protecting the public, having the accused person accept responsibility for his or her actions and achieving with alternative measures the

most important objectives of the traditional court system. In the last year, the Branch also partnered with the Corrections Branch in a pilot project in which Corrections staff perform a risk assessment of accused persons for use by Crown counsel in considering candidates for alternative measures (this initiative was formerly called Early Resolution and Appropriate Justice System Response).

The Prolific Offender Management Project will continue the strategic targeting of prolific offenders to reduce the criminal behaviour of these offenders, through incarceration or treatment of the issues driving their offending. Enforcement agencies (police, BC Corrections and Crown counsel) work with a range of health and social service partners to reduce the amount of crime committed by a small number of prolific offenders in six pilot communities.

Performance Measure 1: Public Confidence in the Justice System

Performance Measure	2003 Baseline	2009/10 Actual	2010/11 Target	2010/11 Actual
Percentage of British Columbians who have a great deal or quite a lot of confidence in the justice system	50%	53%	DATA AVAILABLE IN 2013	DATA AVAILABLE IN 2013

Data Source: Statistics Canada, General Social Survey on Social Engagement

Discussion of Results

Public confidence in the justice system is an important indicator of its effectiveness. This performance measure supports all of the ministry's goals.

Targets are not presented for 2010/11 as surveys are conducted every five years by Statistics Canada as part of a general social survey on the activities and perceptions of Canadians.

2009/10 actual results are from the Statistics Canada 2008 General Social Survey on Social Engagement (Cycle 22). Previous Annual Reports reported on public confidence using data from the British Columbia Omnibus Survey; as this survey has been discontinued, data from the Statistics Canada General Social Survey will now be used. The ministry plans to continue to rely on Statistics Canada data in future Service Plans and Annual Reports to monitor long-term trends in public confidence.

Performance Measure 2: Timeliness of Criminal Case Conclusion

Performance Measure	2008/09 Actual	2009/10 Actual	2010/11 Target	2010/11 Actual
Median time to conclude provincial criminal cases	78 days	78 days	78 days	79 days SUBSTANTIALLY ACHIEVED

Data Source: Court Services Branch, Criminal Management Information System.

Discussion of Results

Timeliness in reaching case conclusion is an indicator of an effective criminal justice system and may contribute to public confidence in the justice system. This measure includes all criminal adult and youth provincial court cases completed in each fiscal year and reports on the median time it takes from the date the information is sworn to the date the case is completed. The 2008/09 actual has been adjusted as a result of ongoing data quality adjustments.

Performance Measure 3: Satisfaction with Legal Services

Performance Measure	2009/10 Actual	2010/11 Target	2011/12 Target
Percentage of government ministry clients satisfied with quality, timeliness and consistency of services	89%	NO SURVEY PLANNED	90%

Data Source: Legal Services Branch Client Satisfaction Survey, conducted by BC Statistics.

Note: This performance measure represents the average of the overall satisfaction rating which is based on five questions that ask, 'What is your overall satisfaction with the service,' (Solicitors, Barristers, Legislative Counsel, Outside Counsel and Service Level Agreements).

Discussion of Results

The ministry delivers legal services to government on the basis of service level agreements with each ministry and agency. These agreements set out the services that are to be delivered and the costs of the services. Client satisfaction with services is the performance measure to determine the quality of legal services being provided.

Goal 2: Simplified Court Procedures

Objectives:

2.1 Simplified court procedures are understandable and affordable.

2.2 Court processes are timely and efficient.

Strategies

Civil and family law reform will simplify Supreme Court civil and family rules to make them more understandable to lawyers and the public, resulting in a more efficient and affordable court system.

Provincial Court small claims reform will move appropriate cases to mediation and simplify trials by Justices of the Peace, reducing the time between the filing of the case and its resolution.

Wills, estates and succession law reform, and reform in other areas of family and civil law, will ensure that legislation is more understandable and reflects current law, societal trends, and national and international developments.

The ministry continues to support the **Bail Reform** Project. This project was developed to better inform decisions on bail, provide earlier access to counsel to expedite hearings, and facilitate the use of video-conferencing to reduce transporting accused to hearings. Applying lessons learned from the Bail Reform Project, the ministry is expanding opportunities for solicitor-client interviews by video conferencing technology.

Performance Measure 4: Civil and Family Timeliness

Performance Measure	2008/09 Actual	2009/10 Actual	2010/11 Target	2010/11 Actual
Median time to settlement conference for Small Claims in Provincial Court	150 days	170 days	170 days	203 days NOT ACHIEVED
Median time to trial for Civil Small Claims in Provincial Court	320 days	343 days	319 days	400 days NOT ACHIEVED
Median time for family cases to reach first order	94 days	92 days	95 days	98 days NOT ACHIEVED

Data Source: Courts Electronic Information System.

Discussion of Results

Timeliness in small claims and family cases is an indicator of an effective civil and family justice system and may contribute to public confidence in the justice system.

Median Time to Settlement Conference for Small Claims in Provincial Court:

This measure reports the median age of small claims cases when the case has reached its first substantive appearance including settlement conference, summary trial, simplified trial or mediation. This measure was previously reported as the median time to first Small Claims Settlement Conference and was changed in the 2009/10 Annual Report.

The volume of small claims cases in Provincial Court has increased by 13.7 per cent over the last five years to over 19,000 new cases opened in 2010/11. As of March 2011, 41 per cent of small claims cases reached their first substantive appearance within six months and 45 per cent within six to twelve months. This is a significant shift in small claims timeliness as this is the first time that the volume of cases in the six to twelve month timeframe has surpassed those in the first six months.

Scheduling delays in Small Claims Court is likely the main factor behind the 2010/11 target not being met. Unlike Criminal Court, Small Claims Court is largely a party driven system. The increase in small claims volumes, as well as multi-defendant cases, problems with contacting the opposing party, changes of lawyers, additions of parties, and delays caused by pre-trial motions also impact the time it takes to get to a first substantive appearance.

Median Time to Trial for Civil Small Claims Cases in Provincial Court:

This measure reports the median age of small claims cases at trial stage in Provincial Court. As with small claims settlement conferences, the Provincial Court schedules civil trails and has reported growth in the time to obtain a trial date in the last year. The 2008/09 and 2009/10 actuals have been adjusted as a result of ongoing data quality adjustments.

Median Time for Family Cases to Reach First Order:

This measure reports the median age of an application to obtain an order (or application to change or cancel an order) when its first corresponding order is granted within a particular fiscal year. Similar to Small Claims Court, the 2010/11 target was not met because of increased scheduling delays in the Provincial Court for child protection cases and family hearings. The 2008/09 and 2009/10 actuals have been adjusted as a result of ongoing data quality adjustments.

Ministry Response

The 2010/11 actuals for the civil and family timeliness measures above reinforce the need for a more ambitious small claims and family reform agenda. The ministry will be looking for new ways to continue to improve timeliness to resolution including moving appropriate cases to mediation and simplified trials. The ministry will also continue to implement reforms to wills, estates and succession law as well as reforms to other areas of family and civil law.

Performance Measure 5: Average Number of Appearances

Performance Measure	2008/09 Baseline	2010/11 Target	2010/11 Actual
Average number of appearances per concluded case – Provincial Criminal (Adult and Youth)	6.0	5.9	5.9 ACHIEVED

Data Source: Court Services Branch Criminal Management Information System (CORIN)

Discussion of Results

This measure includes court appearances for each case from all criminal adult and youth Provincial Court cases. With more simplified court processes in place, we would expect this may contribute over time to a decrease in the average number of appearances on a concluded criminal case. Additionally, reducing the average number of court appearances needed to complete a court case should mean faster times to resolution, resulting in not only a lower financial cost per case, but may also bolster public confidence in the justice system by demonstrating justice being served in an efficient and effective manner.

Goal 3: Improve and Enhance Justice System Performance and Accountability

Objectives:

3.1 Increase the availability and use of electronic information and documents throughout the justice process.

3.2 Court documents are processed electronically to increase timeliness and efficiency.

Strategies

Electronic Court – British Columbia is a leader in the area of automation and electronic courts processes. Over the next three years, the continuation of this work will enable the elimination of many data entry functions, manual business processes and court registry counter traffic. This will result in improved service delivery for British Columbians.

Goal 4: Combat Guns and Gangs

Objectives:

4.1 Work effectively with justice partners to bring offenders to justice.

4.2 Maintain principled, efficient processes for charge assessments, prosecutions and appeals.

4.3 Advocate for changes to federal legislation that will assist British Columbia's police and Crown counsel in the fight against organized crime.

Strategies

Strengthen fight against gun and gang violence – Maintain a highly effective unit of Crown counsel assisting the police with organized crime investigations.

Federal Criminal Justice Reform Advocacy – The ministry will continue to provide focused and effective advocacy to reform criminal law, creating a more effective and efficient Canadian criminal justice system. We are currently seeking amendments to the *Criminal Code* and related statutes addressing bail and lawful access to information ('wiretaps').

Performance Measure 6: Public Confidence in the Criminal Court System

Performance Measure	2004/05 Baseline	2010/11 Target	2010/11 Actual
Percentage of British Columbians 15 years and older who perceive that the criminal courts do a good job of:			
Providing justice quickly	11%	12%	DATA AVAILABLE IN 2011
Helping the victim	13%	14%	DATA AVAILABLE IN 2011
Determining whether or not the accused is guilty	22%	23%	DATA AVAILABLE IN 2011
Ensuring a fair trial for the accused	43%	44%	DATA AVAILABLE IN 2011

Data Source: Statistics Canada General Survey on Victimization (GSS) Cycle 18 2004.

Discussion of Results

Public perceptions of specific functions of the criminal courts are indicators of an effective criminal justice system and may contribute to understanding the sources of public confidence in the criminal justice system.

Previous Annual Reports reported on public confidence using data from the British Columbia Omnibus Survey; as this survey has been discontinued, data from the Statistics Canada General Social Survey will now be used. The ministry plans to continue to rely on Statistics Canada data in future Service Plans and Annual Reports to monitor long-term trends in public confidence.

The ministry plans to use the results of the next Statistics Canada General Social Survey on Victimization for this measure. This survey has been completed and Statistics Canada is conducting analysis of the results. The results will be available later in 2011 and will be available through www.gov.bc.ca/ag/.

Report on Resources

Resource Summary Table

Core Business Areas	Estimated[1]	Other Authorizations[2]	Total Estimated	Actual	Variance[3]
Operating Expenses ($000)					
Justice Transformation	4,901		4,901	4,762	(139)
Justice Services	100,536		100,536	101,935	1,399
Prosecution Services	112,600		112,600	111,562	(1,038)
Court Services	99,125		99,125	99,206	81
Legal Services	16,583		16,583	17,404	821
Agencies, Boards and Commissions	13,895		13,895	13,551	(344)
Executive and Support Services	18,509		18,509	17,615	(894)
Subtotal - Ministry Operations	**366,149**		**366,149**	**366,035**	**(114)**
Judiciary	67,740		67,740	65,309	(2,431)
Crown Proceeding Act	24,500	6,375	30,875	30,875	
B.C. Utilities Commission	1		1		(1)
Special Account (Public Guardian and Trustee)	10,097	126	10,223	10,223	
Statutory - *Public Inquiry Act*		1,877	1,877	1,877	
Adjustment of Prior Year's Accrual				(493)	(493)
Total	**468,487**	**8,378**	**476,865**	**473,826**	**(3,039)**
Ministry Capital Expenditures (Consolidated Revenue Fund) ($000)[4]					
Justice Transformation					
Justice Services				101	101
Prosecution Services				126	126
Court Services				2,629	2,629
Legal Services					
Executive and Support Services	4,847		4,847	275	(4,572)
Judiciary	385		385	261	(124)
Crown Proceeding Act					
B.C. Utilities Commission	20		20		(20)
Special Account (Public Guardian and Trustee)	500		500	459	(41)
Total	**5,752**		**5,752**	**3,851**	**(1,901)**
Other Financing Transactions ($000)					
Executive and Support Services (Interest on Trusts and Deposits)					
Receipts	(500)		(500)	(323)	177
Disbursements	500		500	323	(177)
Net Cash Source (Requirements)					

[1] Amounts correspond to the Estimates as presented on March 2, 2010.

[2] Other authorizations include statutory appropriations. The *Public Inquiry Act* is a statutory appropriation.

[3] Variance display is consistent with the Public Accounts. Variance is in all cases "Actual" minus "Total Estimated." If the Actual is greater, then the Variance will be displayed as a positive number.

[4] For the Estimates, the ministry's capital budget was presented in the Executive and Support Services core business. Subsequently, the budget was delegated to other programs within the ministry as follows: Justice Services $0.101 million; Prosecution Services $0.682 million; Court Services $3.765 million; and, Executive and Support Services $0.299 million.

Operating Expenses – Variance Explanations

Justice Transformation: wind-down of policy component of Justice Reform.

Justice Services: major trials, legislation policy work and justice system transformation initiatives.

Prosecution Services: staff vacancies not filled due to anticipation of 2011/12 service plan reductions and unfilled judicial vacancies.

Legal Services: the cost of excess legal services capacity not used and recovered from clients.

Agencies, Boards and Commissions: primarily hiring delays.

Executive and Support Services: mainly due to information technology costs being less than planned and hiring delays.

Judiciary: Provincial Court savings from delays in judicial appointments.

Special Account (Public Guardian and Trustee): This program exceeded its budget by $0.126 million. The program funded the deficit from its special account balance as authorized by statute.

Adjustment of Prior Year Accrual: An accounting adjustment ($0.493 million) was made in 2010/11 due to an overaccrual of estimated liabilities (i.e. liability was overstated) recorded in the previous year for various programs.

Capital Expenditures (Consolidated Revenue Fund) – By Asset Category

Capital expenditures of $3.851 million includes $2.474 million for information systems and hardware, $0.983 million for specialized equipment, $0.323 million for vehicles, and $0.071 million for Office Equipment and Furniture.

Capital Expenditures (Consolidated Revenue Fund) – Variance Explanations

Prosecution Services: delays in implementing various security upgrades have deferred a large systems project to 2011/12.

Court Services: delays for specialized vehicle fit-ups have deferred some spending to 2011/12.

Judiciary: deferral of information systems projects.

B.C. Utilities Commission: small amount for information systems not required in 2010/11.

Public Guardian and Trustee: savings from information systems projects.

Annual Service Plan Report Appendices

Ministry Contact Information

For more information on the British Columbia Ministry of Attorney General:

- visit our web site at: *www.gov.bc.ca ag*
- call or write the:
  Ministry of Attorney General
  Communications Branch
  PO Box 9206 Stn Prov Govt
  Victoria BC V8W 9J1
  250-387-4965

Call the following headquarters numbers:

Court Services Branch 250-356-1550

Deputy Attorney General.....250-356-0149

Criminal Justice Branch.....250-387-3840

For other contact information, please call Enquiry BC at:

250-387-6121 in Victoria or Toll-Free at: 1-800-663-7867

Hyperlinks to Additional Information

Ministry of Attorney General Legislation:

www.ag.gov.bc.ca legislation AG-legislation.htm

Ministry Operational Volumes:

www.ag.gov.bc.ca public ministry_operational_volumes.pdf

Justice BC:

www.justicebc.ca en cjis

Criminal Justice Branch:

www.ag.gov.bc.ca prosecution-service

Crowns, Agencies, Boards and Commissions:

www.ag.gov.bc.ca abc